FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 915 OF 2001

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Shri G.S. Godbole, advocate for the Appellants.
Shri I.M. Khairai, advocate for the Respondents.

CORAM: A.S. OKA, J.
DATE : 24th August, 2004.

P.C.:-

1. Heard learned counsel appearing for the parties. Suit for possession filed by the Respondent Nos. 1 to 4 has been decreed by the Trial Court and decree has been confirmed in Appeal. The Trial Court after considering the evidence on record came to the conclusion that one Narsayya Ramswami Naral and others were tenants of the open premises described in paragraph 1 of the plaint and that after construction was raised on the land, one Shrihari Narsayya Konda purchased the constructed premises from the said Narsayya Naral in the year 1953. The Trial court also found that the Original Defendant No.1 was permitted to use two rooms as licensee free

of charge in the year 1984-85 and he unauthorisely allowed the Original Defendant Nos. 2 and 3 to use the said two rooms. The finding of facts recorded by the Trial Court have been confirmed by the Appellate Court.

2. After having heard the counsel, I am satisfied that the findings of facts recorded by the Courts below are neither perverse nor illegal. No interference is called for with the findings recorded by t the courts below. Hence, the Second Appeal is dismissed with no orders as to costs.

3. At this stage, Shri Godbole learned counsel for the Appellants prayed for time to vacate the suit premises. He submitted that considering the controversy between the parties, time of atleast six months to vacate be granted. the said request is opposed by the learned counsel for Respondent Nos. 1 to 4 by pointing out that the Second Appeal is pending in this Court from the year 2001.

5. Considering the facts and circumstances of the case, time to vacate deserves to be granted till 31st March, 2005 subject to filing of usual undertaking

by the Appellants and Respondent No.5.

6. Hence, I direct that notwithstanding the dismissal of the Second Appeal, the decree for possession shall not be executed till 31st March 2005 subject to condition of the Appellants and the Respondent No.5 filing usual undertaking to vacate in this court within a period of three weeks from today. If the said undertaking is not filed within the stipulated period, the decree for possession will become executable forthwith.

. All concerned to act on a copy of this order duly authenticated by the Court Sheristedar/Court Stenographer.

JUDGE